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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,921	08/25/2005	Roderick Joseph Gibbs	60137-308; 138-3302-CA	6176
26096 7590 10/15/2008 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
EXAMINER				
KEE, FANNIE C				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
10/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,921

Applicant(s)

GIBBS, RODERICK JOSEPH

Examiner

Fannie Kee

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CI/CD)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/08 has been entered.

Claim Objections

2. Claim 2 is objected to because of the following informalities: add the word --being-- before the word "deformable" in line 3.
3. Claim 4 is objected to because of the following informalities: add a comma after the words "claim 2" in line 1.

Correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "[a] fluid connection assembly for establishing a connection with a fluid supply pipe extending from a rear face of a panel to a front face of the panel, the assembly comprising...". This claim appears to be a combination-subcombination claim where the combination is the fluid connection assembly, the fluid supply pipe and the panel and the subcombination is the fluid connection assembly. However, claim 1 does not further define the combination of the fluid connection assembly, the fluid supply pipe and the panel and only defines the subcombination of the fluid connection assembly. It appears that Applicant is attempting to claim the combination of the fluid connection assembly, the fluid supply pipe and the panel without positive recitation of the fluid connection assembly, the fluid supply pipe and the panel. Therefore, Applicant is not actually claiming the combination of the fluid connection assembly, the fluid supply pipe and the panel. Examiner's understanding is that the Applicant is claiming the subcombination, that is, Applicant is only claiming the features of the subcombination of the fluid connection assembly.

Claim 10 recites "[a] fluid connection assembly comprising: a support *attachable to a panel*, wherein the support includes a recess that terminates at an opening *for a fluid supply pipe*...". This claim appears to be a combination-subcombination claim where the combination is the fluid connection assembly, a fluid supply pipe and a panel and the subcombination is the fluid connection assembly. However, claim 1 does not further define the combination of the fluid connection assembly, the fluid supply pipe and the panel and only defines the subcombination of the fluid connection assembly. It appears that Applicant is attempting to

claim the combination of the fluid connection assembly, the fluid supply pipe and the panel without positive recitation of the fluid connection assembly, the fluid supply pipe and the panel. Therefore, Applicant is not actually claiming the combination of the fluid connection assembly, the fluid supply pipe and the panel. Examiner's understanding is that the Applicant is claiming the subcombination, that is, Applicant is only claiming the features of the subcombination of the fluid connection assembly.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5-8, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ford U.S. Patent No. 1,820,656.

With regard to claim 1, Ford discloses a fluid connection assembly *for establishing a connection with a fluid supply pipe extending from a rear face of a panel to a front face of the panel*, the assembly comprising:

a connection member (12) engageable with the fluid supply pipe *at the front of the panel*;
and

means for connection of the fluid supply pipe to the connection member, comprising a support member (21) including a recess ending in a face followed by a sleeve with an opening

for the fluid supply pipe, a threaded member (16) supported by the support member and rotatable relative to the support member for engaging the connection member, and a compression fitting *operable from the front of the panel* and comprising a sealing element (15) deformable responsive to tightening of the threaded member to establish a seal between the fluid supply pipe and the connection member.

Note: the panel is not a part of the claimed invention.

With regard to claim 2, Ford discloses the connection member (12) having screw threaded engagement with the threaded member (16), and the compression fitting includes the sealing element (15) deformable between the threaded member and the connection member to establish a seal between the fluid supply pipe and the connection member.

With regard to claim 3, Ford discloses the connection member (12) being adapted to have a shower head or hose connected to it.

With regard to claim 5, Ford discloses the support member (21) comprising a plate portion (19) *abutting the front face of the panel* and the recess comprises a cylindrical recess (area next to 14) *that extends past the front face of the panel toward the rear face of the panel.*

Note: the panel is not a part of the claimed invention.

With regard to claim 6, Ford discloses a rotatable sleeve (13) disposed between the fluid supply pipe and the sleeve of the support plate, wherein the rotatable sleeve includes a flange

(14) that corresponds with a flange of the threaded member for holding the threaded member in a desired axial position relative to the support plate while providing for rotation of the threaded member relative to the support plate.

With regard to claim 7, Ford discloses the sealing element (15) being disposed about the fluid supply pipe between the rotatable sleeve (13) on a first axial end and the connection member (12).

With regard to claim 8, Ford discloses the threaded member comprising a threaded nut (16) including an inwardly extending flange corresponding to the flange of the rotatable sleeve for holding the desired axial position of the threaded member onto the support.

With regard to claim 10, Ford discloses a fluid connection assembly comprising:
a support (21) attachable *to a panel*, wherein the support includes a recess (next to 14) that terminates at an opening for a fluid supply pipe and a plate (19) extending radially outward from the recess;

a threaded member (16) supported on the support and rotatable relative to the support;
a conduit (12) engageable with the threaded member for directing water to a hydraulic device;

and

a seal (15) for assembly to the fluid supply pipe that is compressible responsive to the conduit being threadably received by the threaded member.

Note: the panel is not a part of the claimed invention.

With regard to claim 11, Ford discloses a sleeve (13) disposed between the fluid supply pipe and the opening in the support for rotatably supporting the threaded member.

With regard to claim 12, Ford discloses the seal (15) being disposed around the fluid supply pipe and between the sleeve and the conduit.

With regard to claim 13, Ford discloses the support (21) including a face portion (face of 19) *that abuts the panel* and the recess comprises a cylindrical portion (portion next to 14) *that extends through the panel about the fluid supply pipe.*

Note: the panel is not a part of the claimed invention.

With regard to claim 14, Ford discloses the face portion (face of 19) being attachable *to the panel.*

Note: the panel is not a part of the claimed invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford.

With regard to claim 4, Ford discloses the claimed invention but does not disclose a cover member, adapted to engage with the assembly and to conceal the assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a cover to the assembly so that the assembly would not be exposed to the outside elements.

With regard to claim 9, Ford discloses the claimed invention but does not disclose that the connection member comprises a fluid conduit elbow having external threads on each end.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the connection member to be a fluid conduit elbow having external threads on each end so that the angle of flow can be changed and so that other connection elements can be easily and securely attached to the connection member.

Response to Arguments

10. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

/F. K./
Examiner, Art Unit 3679

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October 13, 2008